

Introduced by Senator Figueroa

February 23, 2006

An act to amend Sections 2570.19 and 2602 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, as introduced, Figueroa. Professions and vocations.

(1) Existing law provides for the licensing and regulation of occupational therapists by the California Board of Occupational Therapy. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on, and would repeal them on, unspecified dates.

(2) Existing law provides for the licensure and regulation of physical therapists and physical therapy assistants by the Physical Therapy Board of California. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on, and would repeal them on, unspecified dates.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2570.19 of the Business and
- 2 Professions Code is amended to read:
- 3 2570.19. (a) There is hereby created a California Board of
- 4 Occupational Therapy, hereafter referred to as the board. The
- 5 board shall enforce and administer this chapter.
- 6 (b) The members of the board shall consist of the following:

1 (1) Three occupational therapists who shall have practiced
2 occupational therapy for five years.

3 (2) One occupational therapy assistant who shall have assisted
4 in the practice of occupational therapy for five years.

5 (3) Three public members who shall not be licentiates of the
6 board or of any board referred to in Section 1000 or 3600.

7 (c) The Governor shall appoint the three occupational
8 therapists and one occupational therapy assistant to be members
9 of the board. The Governor, the Senate Rules Committee, and the
10 Speaker of the Assembly shall each appoint a public member.
11 Not more than one member of the board shall be appointed from
12 the full-time faculty of any university, college, or other
13 educational institution.

14 (d) All members shall be residents of California at the time of
15 their appointment. The occupational therapist and occupational
16 therapy assistant members shall have been engaged in rendering
17 occupational therapy services to the public, teaching, or research
18 in occupational therapy for at least five years preceding their
19 appointments.

20 (e) The public members may not be or have ever been
21 occupational therapists or occupational therapy assistants or in
22 training to become occupational therapists or occupational
23 therapy assistants. The public members may not be related to or
24 have a household member who is an occupational therapist or an
25 occupational therapy assistant, and may not have had within two
26 years of the appointment a substantial financial interest in a
27 person regulated by the board.

28 (f) The Governor shall appoint two board members for a term
29 of one year, two board members for a term of two years, and one
30 board member for a term of three years. Appointments made
31 thereafter shall be for four-year terms, but no person shall be
32 appointed to serve more than two consecutive terms. Terms shall
33 begin on the first day of the calendar year and end on the last day
34 of the calendar year or until successors are appointed, except for
35 the first appointed members who shall serve through the last
36 calendar day of the year in which they are appointed, before
37 commencing the terms prescribed by this section. Vacancies shall
38 be filled by appointment for the unexpired term. The board shall
39 annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) A loan is hereby authorized from the General Fund to the Occupational Therapy Fund on or after July 1, 2000, in an amount of up to one million dollars (\$1,000,000) to fund operating, personnel, and other startup costs of the board. Six hundred ten thousand dollars (\$610,000) of this loan amount is hereby appropriated to the board to use in the 2000–01 fiscal year for the purposes described in this subdivision. In subsequent years, funds from the Occupational Therapy Fund shall be available to the board upon appropriation by the Legislature in the annual Budget Act. The loan shall be repaid to the General Fund over a period of up to five years, and the amount paid shall also include interest at the rate accruing to moneys in the Pooled Money Investment Account. The loan amount and repayment period shall be minimized to the extent possible based upon actual board financing requirements as determined by the Department of Finance.

(l) This section shall become inoperative on ~~July 1, 2007~~ _____, and, as of ~~January 1, 2008~~ _____, is repealed, unless a later enacted statute that is enacted before ~~January 1, 2008~~ _____, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

1 SEC. 2. Section 2602 of the Business and Professions Code is
2 amended to read:

3 2602. The Physical Therapy Board of California, hereafter
4 referred to as the board, shall enforce and administer this
5 chapter. This section shall become inoperative on ~~July 1, 2007~~
6 ~~____~~, and, as of ~~January 1, 2008~~ ~~____~~, is repealed, unless a later
7 enacted statute, which becomes effective on or before ~~January 1,~~
8 ~~2008~~ ~~____~~, deletes or extends the dates on which it becomes
9 inoperative and is repealed.

10 The repeal of this section renders the board subject to the
11 review required by Division 1.2 (commencing with Section 473).